

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0143-MLM-E TCEQ ID: RN100529296 CASE NO.: 32510
RESPONDENT NAME: Bastrop County

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> USED OIL
<p>SITE WHERE VIOLATION(S) OCCURRED: Bastrop County Recycling Center & Transfer Station, 601 Cool Water Drive, Bastrop, Bastrop County</p> <p>TYPE OF OPERATION: Recycling center and transfer station</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on October 25, 2006, alleging that a commissioner for Bastrop County was instructing employees to bury hazardous waste on property owned by Bastrop County. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 18, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: The Honorable Ronnie McDonald, County Judge, Bastrop County, 804 Pecan Street, Bastrop, Texas 78602 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: October 25, 2006</p> <p>Date of Investigation Relating to this Case: October 26, 2006</p> <p>Date of NOE Relating to this Case: December 12, 2006 (NOE)</p> <p>Background Facts: This was a complaint investigation. Two violations were documented. Bastrop County was alleged to be burying hazardous waste on its property.</p> <p>WASTE</p> <p>1) Failed to properly dispose of municipal hazardous waste. Specifically, approximately 30 gallons of diesel, 30 gallons of emulsified asphalt, and approximately 75 gallons of paint were disposed of in a trench measuring four feet wide by four feet long and four feet deep. Soil samples collected from the trench were analyzed for total petroleum hydrocarbons ("TPH") and levels as high as 4,060 milligrams per liter ("mg/L") were found. The residential limit for TPH in soil, as established in TCEQ Regulatory Guidance Document RG-366/TRRP-27 entitled Development of Human Health Protective Concentration Levels ("PCLs") for Total Petroleum Hydrocarbons, is 2,300 mg/L [30 TEX. ADMIN. CODE § 335.4].</p> <p>2) Failed to label or clearly mark a container storing used oil with the words "Used Oil". Specifically, one container for the collection of used oil was not labeled with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS §§ 279.22(c)(1) and 279.31(b)(1)].</p>	<p>Total Assessed: \$10,250</p> <p>Total Deferred: \$2,050 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,200</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, develop and implement procedures to ensure that all newly accepted wastes are disposed of only at authorized facilities;</p> <p>b. Within 10 days after the effective date of this Agreed Order, mark clearly or label all containers used to store used oil with the words "Used Oil";</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit for approval an Affected Property Assessment Report pursuant to 30 TEX. ADMIN. CODE § 350.91, for soils affected by elevated TPH levels. If response actions are necessary, comply with applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350, which may include: Submitting plans, reports and notices under Subchapter E (30 TEX. ADMIN. CODE § 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1); and Institutional Controls under Subchapter F (30 TEX. ADMIN. CODE § 350.111); and</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES

**Assigned
PCW**

18-Dec-2006

31-Jan-2007

Screening

1-Feb-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Bastrop County

Reg. Ent. Ref. No. RN100529296

Facility/Site Region 11-Austin

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 32510

Docket No. 2007-0143-MLM-E

Media Program(s) Used Oil

Multi-Media Municipal Hazardous Waste

Admin. Penalty \$ **Limit Minimum** \$0 **Maximum** \$2,500

No. of Violations 1

Order Type 1660

Enf. Coordinator Michael Meyer

EC's Team Enforcement Team 8

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

0% Enhancement

Subtotals 2, 3, & 7

\$0

Notes

No previous NOV's or orders were issued to the Respondent during the past five years.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$1

Approx. Cost of Compliance \$25

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$250

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$250

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$250

DEFERRAL

20%

Reduction

Adjustment

-\$50

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for non-expedited settlement.

PAYABLE PENALTY

\$200

Screening Date 1-Feb-2007

Docket No. 2007-0143-MLM-E

PCW

Respondent Bastrop County

Case ID No. 32510

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN100529296

PCW Revision December 8, 2006

Media [Statute] Used Oil

Enf. Coordinator Michael Meyer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No previous NOVs or orders were issued to the Respondent during the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 1-Feb-2007

Docket No. 2007-0143-MLM-E

PCW

Respondent Bastrop County

Policy Revision 2 (September 2002)

Case ID No. 32510

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100529296

Media [Statute] Used Oil

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 324.1 and 40 Code of Federal Regulations §§ 279.22(c)(1) and 279.31(b)(1)

Violation Description Failed to label or mark clearly a container storing used oil with the words "Used Oil", as documented during an investigation conducted on October 26, 2006. Specifically, one container for the collection of used oil was not labeled with the words "Used Oil".

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$250

\$250

Violation Events

Number of Violation Events 1

98 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the unlabeled container.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent Bastrop County
Case ID No. 32510
Reg. Ent. Reference No. RN100529296
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$						
Delayed Costs						
Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal	\$25	26-Oct-2006	15-Aug-2007	0.8	\$1	\$1
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to mark or label container with the words "Used Oil". The Date Required is the October 26, 2006 investigation date and the Final Date is the projected compliance date.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

98

\$1



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	18-Dec-2006	Screening	1-Feb-2007	EPA Due	
	PCW	31-Jan-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Bastrop County
Reg. Ent. Ref. No.	RN100529296
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32510	No. of Violations	1	
Docket No.	2007-0143-MLM-E	Order Type	1660	
Media Program(s)	Municipal Hazardous Waste	Enf. Coordinator	Michael Meyer	
Multi-Media	Used Oil	EC's Team	Enforcement Team 8	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes No previous NOV's or orders were issued to the Respondent during the past five years.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$570 **Subtotal 6** \$0
Approx. Cost of Compliance \$10,000 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$10,000

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$10,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$10,000

DEFERRAL 20% Reduction **Adjustment** \$2,000

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$8,000

Screening Date 1-Feb-2007

Docket No. 2007-0143-MLM-E

PCW

Respondent Bastrop County

Case ID No. 32510

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN100529296

PCW Revision December 8, 2006

Media [Statute] Municipal Hazardous Waste

Enf. Coordinator Michael Meyer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No previous NOVs or orders were issued to the Respondent during the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 1-Feb-2007

Docket No. 2007-0143-MLM-E

PCW

Respondent Bastrop County

Policy Revision 2 (September 2002)

Case ID No. 32510

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100529296

Media [Statute] Municipal Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.4

Violation Description

Failed to properly dispose of municipal hazardous waste, as documented during an investigation conducted on October 26, 2006. Specifically, approximately 30 gallons of diesel, 30 gallons of emulsified asphalt, and approximately 75 gallons of paint were disposed of in a trench measuring four feet wide by four feet long and four feet deep. Soil samples collected from the trench were analyzed for total petroleum hydrocarbons ("TPH") and levels as high as 4,060 milligrams per liter ("mg/L") were found. The residential limit for TPH in soil, as established in TCEQ Regulatory Guidance Document RG-366/TRRP-27 entitled Development of Human Health Protective Concentration Levels ("PCLs") for Total Petroleum Hydrocarbons, is 2,300 mg/L.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$2,500

\$2,500

Violation Events

Number of Violation Events 4

98 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four monthly events are recommended from the October 26, 2006 investigation to the February 1, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$570

Violation Final Penalty Total \$10,000

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Bastrop County
Case ID No: 32510
Reg. Ent. Reference No: RN100529296
Media: Municipal Hazardous Waste
Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$10,000	25-Oct-2006	15-Dec-2007	1.1	\$570	n/a	\$570
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of all contaminated soil at the site. The Date Required is the date the unauthorized discharge occurred and the Final Date is the projected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$570

Compliance History

Customer/Respondent/Owner-Operator:	CN600897219	Bastrop County	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN100529296	BASTROP COUNTY RECYCLING CENTER & TRANSF	Classification:	Site Rating:
ID Number(s):				
Location:	601 COOL WATER DR, BASTROP, TX, 78602			
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	January 29, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 30, 2002 to January 29, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Michael Meyer	Phone:	(512) 239-4492	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | | |
|------------------------|---|-----|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. | Chronic excessive emissions events. | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) | N/A |
| F. | Environmental audits. | N/A |
| G. | Type of environmental management systems (EMSs). | N/A |
| H. | Voluntary on-site compliance assessment dates. | N/A |
| I. | Participation in a voluntary pollution reduction program. | N/A |
| J. | Early compliance. | N/A |
| Sites Outside of Texas | | N/A |

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASTROP COUNTY
RN100529296**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0143-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bastrop County ("the County") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the County appear before the Commission and together stipulate that:

1. The County owns and operates a recycling center and transfer station at 601 Cool Water Drive in Bastrop, Bastrop County, Texas ("the Facility").
2. The Facility involves or involved the management of municipal hazardous waste and used oil as defined in TEX. HEALTH & SAFETY CODE chs. 361 and 371.
3. The Commission and the County agree that the Commission has jurisdiction to enter this Agreed Order, and that the County is subject to the Commission's jurisdiction.
4. The County received notice of the violations alleged in Section II ("Allegations") on or about December 17, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the County of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Two Hundred Fifty Dollars (\$10,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The County has paid Eight Thousand Two Hundred Dollars (\$8,200) of the

administrative penalty and Two Thousand Fifty Dollars (\$2,050) is deferred contingent upon the County's timely and satisfactory compliance with all terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the County fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the County to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the County have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the County has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the County is alleged to have:

1. Failed to properly dispose of municipal hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on October 26, 2006. Specifically, approximately 30 gallons of diesel, 30 gallons of emulsified asphalt, and approximately 75 gallons of paint were disposed of in a trench measuring four feet wide by four feet long and four feet deep. Soil samples collected from the trench were analyzed for total petroleum hydrocarbons ("TPH") and levels as high as 4,060 milligrams per liter ("mg/L") were found. The residential limit for TPH in soil, as established in TCEQ Regulatory Guidance Document RG-366/TRRP-27 entitled Development of Human Health Protective Concentration Levels ("PCLs") for Total Petroleum Hydrocarbons, is 2,300 mg/L.
2. Failed to label or clearly mark a container storing used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 279.22(c)(1) and 279.31(b)(1), as documented during an investigation conducted on October 26, 2006. Specifically, one container for the collection of used oil was not labeled with the words "Used Oil".

III. DENIALS

The County generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the County pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the County's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bastrop County, Docket No. 2007-0143-MLM-E to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the County shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, develop and implement procedures to ensure that all newly accepted wastes are disposed of only at authorized facilities;
 - b. Within 10 days after the effective date of this Agreed Order, mark clearly or label all containers used to store used oil with the words "Used Oil", in accordance with 30 TEX. ADMIN. CODE § 324.1 and 40 CFR §§ 279.22(c)(1) and 279.31(b)(a); and
 - c. Within 30 days after the effective date of this Agreed Order, submit for approval an Affected Property Assessment Report pursuant to 30 TEX. ADMIN. CODE § 350.91, for soils affected by elevated TPH levels. If response actions are necessary, comply with applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350, which may include: Submitting plans, reports and notices under Subchapter E (30 TEX. ADMIN. CODE § 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1)); and Institutional Controls under Subchapter F (30 TEX. ADMIN. CODE § 350.111) to:

Manager
Environmental Cleanup, MC 221
Remediation Division
Texas Commission on Environmental quality
P.O. Box 13087
Austin, TX 78711-3087

1. The first part of the paper discusses the importance of the study of the history of the English language, and the role of the English language in the world.

2. The second part of the paper discusses the history of the English language, from its origins to the present day.

3. The third part of the paper discusses the influence of the English language on other languages, and the influence of other languages on the English language.

4. The fourth part of the paper discusses the role of the English language in the world, and the importance of the study of the history of the English language.

5. The fifth part of the paper discusses the future of the English language, and the role of the English language in the world.

6. The sixth part of the paper discusses the importance of the study of the history of the English language, and the role of the English language in the world.

7. The seventh part of the paper discusses the future of the English language, and the role of the English language in the world.

8. The eighth part of the paper discusses the importance of the study of the history of the English language, and the role of the English language in the world.

9. The ninth part of the paper discusses the future of the English language, and the role of the English language in the world.

10. The tenth part of the paper discusses the importance of the study of the history of the English language, and the role of the English language in the world.

With a copy to:

Manager, Waste Section
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

- d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Waste Section
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

3. The provision of this Agreed Order shall apply to and be binding upon the County. The County is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the County fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure to comply is caused solely by an act of God, war, strike, riot, or other catastrophe, the County's failure to comply is not a violation of this Agreed Order. The County shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The County shall notify the Executive Director within seven days after the County becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the County shall be made in writing to the Executive Director. Extensions are not effective until the County receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the County in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the County or three days after the date on which the Commission mails notice of the Order to the County, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β .

2. In the second part, the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system of equations (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

3. In the third part, the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system of equations (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

4. In the fourth part, the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system of equations (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

5. In the fifth part, the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is solved. It is shown that the system of equations (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

RONNIE MCDONALD
Name (Printed or typed)
Authorized Representative of
Bastrop County

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

